

J.B. Vol. 15
2011

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

Jennifer Lange Dinsmore

Case No. 8:07-bk-08412-KRM
Chapter 13

Debtor
_____ /

Jennifer Lange Dinsmore

Plaintiff

v.

Adversary Proceeding No.
8:10-ap-00008-KRM

Capital Management Services, L.P.
726 Exchange Street
Suite 700
Buffalo, New York 14210

Defendant.

FINAL JUDGEMENT OF DEFAULT ON ADVERSARY PROCEEDING

This action was heard before the Court at the Pre-Trial Conference on the 23rd day of February, 2010, on Plaintiff's Adversarial Complaint for violations of the automatic stay, violations of the Fair Debt Collection Practices Act, and violations of the Florida Consumer Collection Practices Act, and Plaintiff's Motion for Default Judgment. Based upon the clerk's entry of Default, and the Pleadings, the Court finds:

1. That appearing before the court at the Pre-Trial Conference was Plaintiff, JENNIFER LANGE DINSMORE, and her attorney Frank T. Papa, Esquire. The Defendant, CAPITAL MANAGEMENT SERVICES, L.P., did not appear.
2. That Plaintiff, JENNIFER LANGE DINSMORE, filed her Adversary Complaint for violations of the bankruptcy automatic stay, violations of the Fair Debt

Collection Practices Act, and violations of the Florida Consumer Collection Practices Act, on January 5, 2010.

3. That the Summons and Complaint were served on Defendant's Registered Agent, CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324, via certified mail, on January 6, 2010. The Summons and Complaint were provided to the attorney who represented Defendant in a prior proceeding between the parties, Dale Golden, Esquire, via electronic mail by the Bankruptcy Noticing Center.
4. That the Summons and Complaint were received by Defendant's Registered Agent on January 11, 2010.
5. That service of the Notice of Pre-Trial Conference was perfected upon CT Corporation System, Registered Agent for Defendant, CAPITAL MANAGEMENT SERVICES, L.P., 1200 South Pine Island Road, Plantation, Florida 33324, on February 9, 2010, via certified mail. A copy of the Notice was provided to Defendant, CAPITAL MANAGEMENT SERVICES, L.P., via U.S. Mail by the Bankruptcy Noticing Center on January 8, 2010. Additionally, a copy of the Notice was provided by Plaintiff to the attorney who represented Defendant in a prior proceeding between the parties, Dale Golden, Esquire, Golden & Scaz, 2124 West Kennedy Boulevard, Suite A, Tampa, Florida 33606, and to Patricia Cipriani, In-House Counsel for Defendant, 726 Exchange Street, Suite 700, Buffalo, New York 14210, via U.S. Mail.
6. That Plaintiff's Motion for Default was served on Defendant's Registered Agent, CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324,

via certified mail on February 9, 2010. Additionally, a copy of the Motion for Default was served on the attorney who represented Defendant in a prior proceeding between the parties, Dale Golden, Esquire, Golden & Scaz, 2124 West Kennedy Boulevard, Suite A, Tampa, Florida 33606, and to Patricia Cipriani, In-House Counsel for Defendant, 726 Exchange Street, Suite 700, Buffalo, New York 14210, via U.S. Mail.

7. That the Clerk of Court entered the Default against Defendant, CAPITAL MANAGEMENT SERVICES L.P., on February 10, 2010, for failure to plead or otherwise defend the cause, as required by law.
8. That the Clerk's Entry of Default was provided to the attorney who represented Defendant in a prior proceeding between the parties, Dale Golden, Esquire, Golden & Scaz, 2124 West Kennedy Boulevard, Suite A, Tampa, Florida 33606, and to Patricia Cipriani, In-House Counsel for Defendant, 726 Exchange Street, Suite 700, Buffalo, New York 14210, via U.S. Mail.
9. That Plaintiff, JENNIFER LANGE DINSMORE, filed her Motion for Entry of Default Judgment on February 11, 2010. The Motion was served upon Defendant's Registered Agent, CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324, via Certified Mail. Additionally, a copy of the Motion for Entry of Default Judgment was served on the attorney who represented Defendant in a prior proceeding between the parties, Dale Golden, Esquire, Golden & Scaz, 2124 West Kennedy Boulevard, Suite A, Tampa, Florida 33606, and to and Patricia Cipriani, In-House Counsel for Defendant, 726 Exchange Street, Suite 700, Buffalo, New York 14210, via U.S. Mail.

The Court being fully advised in the premises, it is thereupon ORDERED AND ADJUDGED as follows:

1. That Defendant, CAPITAL MANAGEMENT SERVICES, L.P., shall pay Plaintiff, JENNIFER LANGE DINSMORE, \$23,000.00 in statutory damages, representing \$1,000.00 awarded for each count contained in the Complaint.
2. That Defendant, CAPITAL MANAGEMENT SERVICES, L.P., shall pay Plaintiff's attorneys' fees and costs, in the amount of \$2,940.71.
3. That this Court retains jurisdiction to determine actual and punitive damages, which will be determined at a later date.

Dated: March 9, 2010, in Tampa, Florida.



K. RODNEY MAY
United States Bankruptcy Judge

Copies To:

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Plantation, Florida 33324

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